

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 11-02538 (SMB)

Plaintiff,

v.

QUILVEST FINANCE LTD.,

Defendant.

DEFENDANT-APPELLEE QUILVEST FINANCE LTD.'S COUNTER-DESIGNATION
OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

Defendant-Appellee Quilvest Finance Ltd. ("Quilvest Finance"), by and through its undersigned counsel, respectfully submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this counter-designation of items to be included in the record on appeal with respect to the appeal by Irving H. Picard (the "Trustee") as trustee of the substantively

consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, et seq., and Bernard L. Madoff, individually, in the above captioned adversary proceeding (the “Adversary Proceeding”) of the Stipulated Final Order Granting Motion to Dismiss Complaint (the “Final Judgment”).

Defendant-Appellee Quilvest Finance hereby designates the following additional documents to be included in the record on appeal:

- (1) All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any appeal or cross-appeal from the Final Judgment, including, without limitation, the items designated in the Designation by Appellant of Items to Be Included in the Record on Appeal (ECF No. 94 in this Adversary Proceeding);
- (2) The Certification of Direct Appeal to Court of Appeals, dated April 4, 2017 (ECF. No. 96 in this Adversary Proceeding); and
- (3) The Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehan’s Letter dated April 7, 2016 (ECF No. 13070 in *Secs. Inv. Protection Corp. v. Bernard L. Madoff Inv. Secs., LLC*, Adv. Pro. No. 08-01789 (SMB)).

The items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, all documents admitted into evidence.

Defendant-Appellee Quilvest Finance expressly reserves the right to supplement the record on appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment.

Dated: New York, New York
April 11, 2017

/s/ Thomas E. Lynch

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